

GROUND WATER DISCHARGE PERMIT
Waste Control Specialists LLC, DP-1817

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit, DP-1817, to Waste Control Specialists LLC (WCS, or permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit and in imposing the requirements and conditions specified herein is to control the discharge of water contaminants from Waste Control Specialists LLC, in Andrews, Texas (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been or will be met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

WCS is located on approximately 1,338 acres of land in Texas (the facility area) that is adjacent to the New Mexico border. WCS also owns 800 contiguous acres in New Mexico of which a portion is used for stockpiling soils. Within the 1,338-acre facility area, WCS operates commercial waste management facilities that are authorized to treat, store and dispose of RCRA hazardous wastes; byproduct waste material; near-surface land disposal of low level radioactive waste (LLRW) including compact waste (as defined in 30 TAC §336.2(23)); federal facility waste (as defined in 30 TAC §336.2(49)); and mixed waste (LLRW that is also hazardous waste).

The activities which produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows:

Up to a theoretical maximum of 170,500,000 gallons per day (gpd) of storm water runoff may be generated and discharged from the WCS site via outfalls (Outfall 001 and Outfall 002) regulated by Texas Pollutant Discharge Elimination System (TPDES) permits. Up to a permitted maximum discharge of 600,000 gpd of industrial wastewater and stormwater that has come in contact with waste is monitored and may be treated prior to discharge to New Mexico via Outfall 001 in accordance with TPDES Permit WQ0004038000. Up to 440,000 gpd of landfill leachate from the By-Product Facility is not treated, but stored in a 500,000-gallon above ground storage tank prior to analysis, and is then discharged to New Mexico through Outfall 005 to Outfall 002 in accordance with TPDES Permit No. WQ0004857000. Stormwater leachate from the Federal Waste Facility landfill and Compact Waste Facility landfill is collected (along with laboratory derived wastewater, and wash water from the washing of trucks and equipment that has come into contact with waste) and pumped into storage tanks. These waters are then treated by pH adjustment, solids flocculation, filtration and carbon absorption, analyzed and verified to meet standards identified in Texas Land Application Permit (TLAP) WQ0004948000 prior to discharge of up to an annual

average of 33,060 gpd to double lined evaporative impoundments equipped with leak detection for disposal. WCS domestic wastewater is stored in above ground storage tanks prior to analysis, and is then transferred offsite to the City of Andrews (Texas) publically owned treatment works (POTW) for disposal.

The facility is located at 9998 West State Highway 176, approximately six miles east of Eunice. WCS soil stockpiles and areas receiving discharges from TPDES permit outfalls are located in Sections 28 and 33, Township 21 South, Range 38 East, Lea County. Groundwater observed and most likely to be affected is located at a depth of approximately 19 feet below ground surface (bgs) with a total dissolved solids concentration of approximately 5000 milligrams per liter, as well as in a regional groundwater aquifer found approximately 225 feet bgs with a TDS concentration ranging from 3,370 to 11,600 mg/l. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated July 12, 2013, and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being violated or the standards of Section 20.6.2.3103 NMAC are being violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit:

Abbreviation	Explanation	Abbreviation	Explanation
BOD5	biochemical oxygen demand (5- day)	NTU	nephelometric turbidity units
CFR	Code of Federal Regulations	Org	organisms
Cl	chloride	TDS	total dissolved solids
EPA	United States Environmental Protection Agency	TKN	total Kjeldahl nitrogen
gpd	gallons per day	total nitrogen	=TKN + NO ₃ -N
LADS	land application data sheet(s)	TRC	Total Residual Chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	UPC	Uniform Plumbing Code
NMAC	New Mexico Administrative Code	WQA	New Mexico Water Quality Act
NMED	New Mexico Environment Department	WQCC	Water Quality Control Commission

NMSA	New Mexico Statutes Annotated	WWTF	Wastewater Treatment Facility
NO ₃ -N	nitrate-nitrogen	TAC	Texas Administrative Code

II. FINDINGS

In issuing this Discharge Permit, NMED finds:

1. The permittee is discharging stormwater effluent or previously analyzed contact water from the facility so that such effluent or may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.
2. The permittee is discharging stormwater effluent or previously analyzed contact water from the facility so that such effluent or contact water may move into groundwater of the State of New Mexico which has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.
3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. CONDITIONS

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein. NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 1 and 2 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]
3.	The permittee is authorized to discharge up to 170,500,000 gpd of storm water and industrial wastewater from the WCS site to New Mexico via monitored outfalls regulated by Texas Pollutant Discharge Elimination System (TPDES) permits. [20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

#	Terms and Conditions
4.	The permittee shall maintain 18 to 24-inch berms around the stockpile area to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major precipitation event, and be repaired as necessary. [Subsection C of 20.6.2.3109 NMAC]

B. MONITORING, REPORTING, AND OTHER REQUIREMENTS

#	Terms and Conditions
5.	The permittee shall conduct the monitoring, reporting, and other requirements listed below. [20.6.2.3107 NMAC]
6.	METHODOLOGY - Unless otherwise approved in writing by NMED, the permittee shall conduct sampling and analysis in accordance with the most recent edition of the following documents: a) American Public Health Association, Standard Methods for the Examination of Water and Wastewater (18th, 19th or current); b) U.S. Environmental Protection Agency, Methods for Chemical Analysis of Water and Waste; c) U.S. Geological Survey, Techniques for Water Resources Investigations of the U.S. Geological Survey; d) American Society for Testing and Materials, Annual Book of ASTM Standards, Part 31, Water; e) Federal Register, latest methods published for monitoring pursuant to Resources Conservation and Recovery Act regulations; f) U.S. Geological Survey, et al., National Handbook of Recommended Methods for Water Data Acquisition; g) Methods of Soil Analysis: Part 1. Physical and Mineralogical Methods; Part 2. Microbiological and Biochemical Properties; and Part 3. Chemical Methods, American Society of Agronomy. [20.6.2.3107.B NMAC]
7.	The permittee shall submit semi-annual monitoring reports to NMED by the 1st of February and August each year. In such cases when insufficient groundwater is available for analysis, it will be noted in the semi-annual report. A semi-annual monitoring event shall be performed during the following periods: <ul style="list-style-type: none"> • January 1st through June 30th (first half) – report due by August 1st; and • July 1st through December 31st (second half) – report due by February 1st. Monitoring requirements detailed in this Discharge Permit are summarized in this Discharge Permit.

#	Terms and Conditions
	[20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
8.	<p>Within 60 days following the effective date of this Discharge Permit (BY DATE), the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the location(s) of all monitoring well(s) required to be monitored or installed by this Discharge Permit. The proposal shall include, at a minimum, the following information:</p> <ul style="list-style-type: none"> a) A map showing the proposed location of each monitoring well from the boundary of the source it is intended to monitor. b) A written description of the specific location proposed for the monitoring well(s) including the distance in feet and direction of the monitoring well(s) from the source it is intended to monitor. c) A statement describing the groundwater flow direction beneath the facility and data supporting the determination. <p>All monitoring well locations shall be approved by NMED prior to installation of new wells or use of existing wells.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
9.	<p>Within 120 days of the effective date of this Discharge Permit (by DATE), the permittee shall install/propose use of the following new monitoring well(s):</p> <ul style="list-style-type: none"> • One new monitoring well (NM-1) in the undifferentiated Ogallala, Antlers, and Gatuña (OAG) formation to the intersection with the Dockum Group southwest of Outfall 002. • One new monitoring well (NM-2), into the regional aquifer (225 ft bgs) hydrologically downgradient and southwest of Outfall 002. • One new monitoring well (NM-3) into the regional aquifer (225 ft bgs) located northwest of outfall 003. <p>The well(s) shall be completed in accordance with the attachment titled, <i>Groundwater Quality Bureau Monitoring Well Construction and Abandonment Guidelines</i>, Revision 1.1, March, 2011, or the permittee may submit a written proposal for NMED approval suggesting alternative well construction criteria. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.</p> <p>Unless otherwise noted in this Discharge Permit, the requirement to install a monitoring well downgradient of a source is not contingent upon construction of or discharge of wastewater to that source, or discharge of wastewater from the facility.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC]
10.	<p>Following installation of the monitoring well(s) required to be installed by this Discharge Permit; the permittee shall sample groundwater in the well(s) and analyze the samples for the parameters listed in Attachment A of this permit.</p> <p>Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure.</p> <ol style="list-style-type: none"> Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. Purge three well volumes of water from the well or until stabilization of specific parameters are observed (in accordance with the USEPA Low Flow Ground Water Sampling Procedures, ASTM D-4448-01(2007) Section 6.7, or equivalent) prior to sample collection. Obtain samples from the well for analysis. Properly prepare, preserve and transport samples. Analyze samples in accordance with the methods authorized in this Discharge Permit. <p>Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 90 days of the completion and development of the monitoring well(s).</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
11.	<p>Within 180 days of the effective date of this Discharge Permit (by DATE), the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall be completed and certified pursuant to the NM Engineering and Surveying Practice Act and the rules promulgated under that authority.</p> <p>Depth-to-most-shallow groundwater shall be measured to the nearest hundredth of a foot in all surveyed wells required by this Discharge Permit, and the data shall be used to develop a groundwater elevation contour map showing the location of all surveyed monitoring wells required by this Discharge Permit and the direction and gradient of groundwater flow with the groundwater elevation clearly labeled for each well. The data and groundwater elevation contour map shall be submitted to NMED within 30 days of survey completion.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

Groundwater Monitoring Conditions

#	Terms and Conditions
12.	<p>The permittee shall perform semi-annual groundwater sampling in the following monitoring wells and analyze the samples for the contaminants listed in Attachment A of this Discharge Permit.</p> <ol style="list-style-type: none"> An existing WCS monitoring well (to be proposed by WCS) located upgradient of the WCS facility. NM-1, required to be installed into the shallow alluvium by this Discharge Permit and intended to be located southwest and hydrologically downgradient of Outfall 002 in New Mexico. NM-2, required to be installed into the 225 foot bgs aquifer by this discharge permit and intended to be located hydrologically downgradient of Outfall 002 and southwest of Outfall 002 in New Mexico. NM-3, required to be installed into the 225 foot bgs aquifer by this discharge permit and intended to be located northwest of Outfall 003 in New Mexico. Existing WCS monitoring well TP-31 located in New Mexico west-northwest of the Low Specific Activity Storage Area Existing WCS monitoring well TP-43 located southwest of the Byproduct Material Landfill. Existing WCS monitoring well TP-62 located south-southwest of the East-West (RCRA) Landfill, the RCRA/RAD Processing Facility, the Federal Waste Facility Evaporation Pond and east-northeast of Outfall 002. Existing WCS monitoring well TP-78 located west of the Byproduct Material Landfill Baker Spring when water is present. <p>Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure, or the permittee may submit a site specific sampling and analysis plan proposed for approval by NMED.</p> <ul style="list-style-type: none"> Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. Purge three well volumes of water from the well or until stabilization of specific parameters are observed (in accordance with the USEPA Low Flow Ground Water Sampling Procedures, ASTM D-4448-01(2007) Section 6.7, or equivalent) prior to sample collection. Obtain samples from the well for analysis. Properly prepare, preserve and transport samples. Analyze samples in accordance with the methods authorized in this Discharge Permit or a site specific sampling and analysis plan approved by NMED. <p>Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well required by this Discharge Permit shall be submitted to NMED in</p>

#	Terms and Conditions
	<p>the semi-annual monitoring reports. After analytical results for two consecutive sampling events have been submitted to NMED, the permittee may propose to revise the list of parameters in Attachment A of this Discharge Permit.</p> <p>The following monitoring wells are sampled under the requirements of specific Environmental Monitoring Programs approved by the Texas Commission on Environmental Quality (TCEQ):</p> <ul style="list-style-type: none"> • Monitoring wells MW-3 A and MW-3 B • Monitoring wells MW-4 A and MW-4 B • Monitoring wells MW-2 A and MW-2 B • Monitoring well MW-25 C • Monitoring wells DW-32 A and DW-32 B • Monitoring wells DW-34 A and DW-34 B • Monitoring wells DW-36 A and DW-36 B • Monitoring well MW-61 A • Monitoring wells DW-62 A and DW-62 B • Monitoring well MW-63 A • Monitoring wells DW-64 A and DW-64 B <p>The analytical results from the above monitoring wells approved by TCEQ are to be included in the semi-annual monitoring reports submitted to NMED. Any remedy required by TCEQ in accordance with the requirements of the State of Texas and applicable Federal laws will be reported to NMED within 30 days of receipt of such notice.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
13.	<p>The permittee shall develop a groundwater elevation contour map (using common industry accepted practice) on a semi-annual basis using the top of casing elevation data from the monitoring well survey and semi-annual depth-to-most-shallow groundwater measurements obtained from the groundwater monitoring wells required by this Discharge Permit. If a well designated within this permit does not contain sufficient groundwater to sample the permittee will document this in the semi-annual monitoring report.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but in no case shall the interval be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the semi-annual monitoring reports.</p>

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	[Subsection A of 20.6.2.3107 NMAC]
14.	<p>NMED shall have the option to perform downhole inspections of all New Mexico monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least 60 days notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement.</p> <p>[20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

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15.	<p>In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in groundwater is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a groundwater sample and in any subsequent groundwater sample collected from a monitoring well required by this Discharge Permit, the permittee shall enact the following contingency plan:</p> <p>The permittee shall collect a confirmation sample from the monitoring well(s) within 30 days after identifying the exceedance to confirm the initial sampling results. Within 60 days of the subsequent sample analysis date, the permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED. Any remedy required by TCEQ in accordance with the requirements of the State of Texas and applicable Federal laws will be reported to NMED within 30 days of receipt of such notice.</p> <p>Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants (defined in Subsection WW of 20.6.2.7 NMAC) are not present in groundwater.</p>

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	<p>The permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmed groundwater contamination.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
16.	<p>In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with NMED approved well completion specifications or the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains in sufficient water to effectively monitor ground water quality (dry for two consecutive sampling events); or is not completed in a manner that is protective of groundwater quality, the permittee may be required to install a replacement well(s) in New Mexico or propose an existing WCS monitoring well within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p> <p>New and existing replacement well location(s) shall be approved by NMED prior to installation or use. New replacement wells shall be completed in accordance with NMED approved well completion specifications or the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following replacement well completion or NMED approval of the use of existing replacement monitoring well(s).</p> <p>Upon completion/approval of the replacement monitoring well(s), New Mexico monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed pursuant to 19.27.4 NMAC as required by the New Mexico Office of the State Engineer or the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
17.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well(s) is not located hydrologically downgradient of the discharge location(s) it is intended to monitor, the permittee may be required to install a replacement well(s) in New Mexico or propose use of an existing WCS monitoring well within 120 days following notification from NMED. The permittee shall survey the replacement monitoring well(s) within 150 days following notification from NMED.</p>

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	<p>Replacement well location(s) shall be approved by NMED prior to installation or use and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 30 days following well completion.</p> <p>Upon completion/approval of the replacement monitoring well(s), New Mexico monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed pursuant to 19.27.4 NMAC as required by the New Mexico Office of the State Engineer or the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
18.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information:</p> <ol style="list-style-type: none"> The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. The name and address of the facility. The date, time, location, and duration of the unauthorized discharge. The source and cause of unauthorized discharge. A description of the unauthorized discharge, including its estimated chemical composition. The estimated volume of the unauthorized discharge. Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following verification of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following:</p> <ol style="list-style-type: none"> A description of proposed actions to mitigate damage from the unauthorized discharge. A description of proposed actions to prevent future unauthorized discharges of this nature.

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	<p>c) A schedule for completion of proposed actions.</p> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
19.	<p>In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a corrective action plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

#	Terms and Conditions
20.	<p>Closure of the WCS facility will be accomplished under Closure Plans and Post-Closure Monitoring Plans approved and administered by the TCEQ. Upon receipt of notification from TCEQ that closure has been completed in compliance with these plans and the Post-Closure Monitoring Plan has been implemented, WCS shall:</p> <ol style="list-style-type: none"> Provide documentation to NMED of satisfaction of TCEQ closure plan obligations. Submit proof to NMED that all closure activities set forth for the facility under 40 CFR Part 503 have been completed. Following completion of the Closure Monitoring Plans approved and administered by the TCEQ, continue groundwater monitoring as required by this Discharge Permit for a minimum of two years of consecutive groundwater sampling events to confirm the absence of groundwater contamination. If monitoring results show that the groundwater standards in Section 20.6.2.3103 NMAC are being violated, or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in groundwater, the permittee shall implement the contingency plan required by this Discharge Permit. Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) located in New Mexico pursuant to 19.27.4 NMAC as required by the New Mexico Office of the State Engineer or the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.

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	When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED. [Subsection A of 20.6.2.3107 NMAC, 20.6.2.3109 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
21.	<p>RECORD KEEPING - The permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> a) Information and data used to complete the application for this Discharge Permit. b) Records of any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC. c) Records of the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater. d) Facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed professional engineer appropriate to the state where the facility is constructed. e) Copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit. f) The volume of wastewater or other wastes discharged pursuant to this Discharge Permit. g) Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit. h) Copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit. i) Records of the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit. j) Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request: <ul style="list-style-type: none"> i. The dates, location and times of sampling or field measurements; ii. The name and job title of the individuals who performed each sample collection or field measurement; iii. The sample analysis date of each sample; iv. The name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; v. The analytical technique or method used to analyze each sample or collect each field measurement; vi. The results of each analysis or field measurement, including raw data; vii. The results of any split, spiked, duplicate or repeat sample; and viii. A copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of</p>

#	Terms and Conditions
	<p>application, report, collection or measurement and shall be made available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
22.	<p>INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations which are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC.</p> <p>The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
23.	<p>DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
24.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
25.	<p>PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system in the State of New Mexico such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction.</p> <p>In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit which result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED.</p>

#	Terms and Conditions
	[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
26.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
27.	<p>CRIMINAL PENALTIES – No person shall:</p> <ol style="list-style-type: none"> 1. make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; 2. falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or 3. fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>

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28.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
29.	<p>RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
30.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall:</p> <ol style="list-style-type: none"> 1) notify the proposed transferee in writing of the existence of this Discharge Permit; 2) include a copy of this Discharge Permit with the notice; and 3) deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. <p>Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility.</p> <p>[20.6.2.3111 NMAC]</p>
31.	<p>PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>

PERMIT TERM & SIGNATURE

EFFECTIVE DATE: [effective date]
TERM ENDS: [expiration date]

[Subsection H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.I]

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

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